

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**EDWARD BROWN**

**PLAINTIFF**

**V.**

**CA NO: 5:16-cv-124-KS-MTP**

**WILKINSON COUNTY SHERIFF DEPARTMENT:**

**Reginald Lee Jackson, individually and in his official capacity  
as Wilkinson County Sheriff;**

**Ed Alexander, individually and in his official capacity  
as a deputy of Wilkinson County Sheriff Department;**

**C. L. Thompson, individually and, in his official capacity  
as a Deputy of Wilkinson County Sheriff Department;**

**Gloria Ashford, individually and, in her official capacity  
as a Deputy of Wilkinson County Sheriff Department;**

**Wilkinson County Board of Supervisors;**

**Richard L. Hollins, individually and in his official capacity;**

**Will Seal, individually and in his official capacity;**

**Venton McNabb, individually and in his official capacity;**

**Kenyon Jackson, individually and in his official capacity;**

**Jennings Nettles, individually and in his official capacity;**

**and Inmates, Greg Chambers, Kendrick Davis, and**

**Darrius Kilburn**

**DEFENDANTS**

**WILKINSON COUNTY SHERIFF'S DEPARTMENT  
AND WILKINSON COUNTY BOARD OF SUPERVISORS'  
MOTION FOR JUDGMENT ON THE PLEADINGS**

Come now Wilkinson County Sheriff's Department and Wilkinson County Board of Supervisors, not legal entities, by and through counsel, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and respectfully submit their Motion for Judgment on the Pleadings, as follows:

1. Plaintiff asserts that on August 17, 2015, he was falsely arrested by officers from the Wilkinson County Sheriff's Office and incarcerated in the Wilkinson County

Correctional Facility. *CM/ECF Doc. No. 1*. Plaintiff further contends that while incarcerated in the WCCF, he was assaulted by inmates and officers causing him substantial personal injuries.

2. In his Complaint, Plaintiff names the “Wilkinson County Sheriff’s Department” and “Wilkinson County Board of Supervisors” as defendants. *Id.* However, neither is a proper party defendant.

3. The “Wilkinson County Sheriff’s Department” and “Wilkinson County Board of Supervisors” are not proper party defendants, as they are not political subdivisions capable of being sued. To the contrary, the sheriff’s department and board of supervisors have no legal existence separate from the County. See *Brown v. Thompson*, 927 So.2d 733 (Miss. 2006) (holding sheriff’s departments are not political subdivisions within the meaning of the MTCA); see also *Breland v. Forrest County Sheriff’s Dep’t*, 2013 U.S. Dist. LEXIS 53503 (S.D. Miss. Apr. 15, 2013) (“In Mississippi, police and Sheriff’s departments are not subject to suit because they do not enjoy a separate legal existence apart from their respective cities or counties.”); *Bradley v. City of Jackson*, 2008 U.S. Dist. LEXIS 44656, at \*4-5 (S.D. Miss. June 5, 2008) (holding that police department, board of supervisors, and sheriff’s department were not a political subdivisions subject to suit).

4. Inasmuch as the Sheriff’s Department and Board of Supervisors are not political subdivisions amenable to suit, this Court must dismiss the claims asserted against them.

5. Due to the simple and self-explanatory nature of this Motion, as well as the supporting authority cited hereinabove, the Wilkinson County Sheriff's Department and Wilkinson County Board of Supervisors request that they be relieved of any further obligation to submit a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, the Wilkinson County Sheriff's Department and Wilkinson County Board of Supervisors (not legal entities) respectfully request that this Court dismiss all claims against the "Wilkinson County Sheriff's Department" and "Wilkinson County Board of Supervisors," as neither party is amenable to suit.

**Date: February 7, 2017.**

Respectfully submitted,

**WILKINSON COUNTY SHERIFF'S  
DEPARTMENT AND WILKINSON  
COUNTY BOARD OF SUPERVISORS**

BY: /s/ William R. Allen  
One of Their Attorneys

WILLIAM R. ALLEN (MSB #100541)  
JESSICA S. MALONE (MSB #102826)  
Allen, Allen, Breeland & Allen, PLLC  
214 Justice Street  
P. O. Box 751  
Brookhaven, MS 39602-0751  
Tel. 601-833-4361  
Fax 601-833-6647  
Email: [wallen@aabalegal.com](mailto:wallen@aabalegal.com)  
Email: [jmalone@aabalegal.com](mailto:jmalone@aabalegal.com)

**CERTIFICATE**

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the ECF system which gave notification to the following:

Charles E. Miller, Esq.  
Miller and Miller  
116 5<sup>th</sup> Avenue (39648)  
P.O. Box 1303  
McComb, MS 39649  
[charlesemiller@millerlawyers.com](mailto:charlesemiller@millerlawyers.com)  
*Attorney for Plaintiff*

This the 7<sup>th</sup> day of February, 2017.

/s/ William R. Allen  
OF COUNSEL